

**STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS**

COMMISSIONER OF EDUCATION

.....
A. Doe

v.

Lincoln School Department
.....

DECISION

The parent in this case has requested that the Lincoln School District pay tuition to the Pawtucket School District for Student A Doe's attendance at the JMW Arts High School in Pawtucket. The request must be denied and the appeal dismissed because no statute or regulation requires that the Lincoln School District make such tuition payment on behalf of a student who has elected to attend the JMW Arts High School. It must be noted, however, that the Lincoln School District has authority to pay the requested tuition if it finds it "convenient or expedient" to make this expenditure. (R.I.G.L. 16-2-19)

DATE: February 9, 2011

Jurisdiction and Travel of the Case

The parent in this case has requested that the Lincoln School Committee authorize the payment of tuition to the Pawtucket School District for his daughter's attendance at the JMW Arts High School in Pawtucket. The Lincoln School Committee has declined to make this requested tuition payment. The parent has filed this appeal with the Commissioner of Education from this decision of the Lincoln School Committee. Jurisdiction is present under R.I.G.L.16-39-1 and R.I.G.L. 16-39-2.

Positions of the Parties

The Parent

The parent contends that the Lincoln School Committee is required to authorize payment of the tuition payment that he has requested.

The Lincoln School Committee

The Lincoln School Committee contends that there is no statute or regulation that requires it authorizes the requested tuition payment.

Findings of fact

The student in this case resides in the Town of Lincoln for purposes of school residency. She has been accepted at, and is now attending, the *Jacqueline M. Walsh School for Performing and Visual Arts* (hereafter The JMW Arts High School) in Pawtucket. The JMW Arts High School is a part of the public schools of Pawtucket, and is described in the following terms:

The Jacqueline M. Walsh School for the Performing Arts (JMW Arts High School) is a comprehensive, college-preparatory high school with a focus on the arts. We are committed to preparing our students to go to top colleges in the nation, while concentrating their studies in a chosen arts discipline: visual arts, dance, music or theater. ... Students attend an extended school day to fit in all required academics, while providing daily intensive study in their chosen discipline. Students also have access to all clubs and sports teams through Tolman High School. So they may receive a well-rounded high school education. ... The JMW Arts High School is free to all Pawtucket residents, while out-of-district students can attend by paying tuition.

It is hereby determined that the JMW Arts High School is a public high school operating within the Pawtucket School District; it is neither a charter school, nor is it part of the system of regional vocational technical schools established under R.I.G.L.16-45-6.1. The record shows that some Rhode Island school districts are prepared to pay tuition for students to attend the JMW Arts High School, while other school committees are not.

Issue

Must the Lincoln School District pay tuition to the Pawtucket School District?

Discussion and Conclusions of Law

Since the JMW Arts High School is neither a charter school, nor is not part of the system of regional vocational technical schools established under R.I.G.L.16-45-6.1, there is no statutory or regulatory requirement for the Lincoln School District to pay tuition in support of a one of its resident student's attendance at the JMW Arts High School. We note, however, that the Lincoln School Committee does have the discretion to authorize payment of tuition under appropriate circumstances:

R.I.G.L. 16-2-19 Children attending in adjoining cities or towns. – Whenever the school committee of any city or town shall find that it is more convenient or expedient for any child residing in the city or town to attend school in an adjoining city or town, the committee may arrange with the school authorities of the city or town for the attendance of the child at their schools, and may pay for the tuition out of the city or town appropriation for public schools. The amount paid shall be used for school purposes only.

Conclusion

This appeal must be denied and dismissed because no statute or regulation requires the Lincoln School Committee to authorize the payment of tuition on behalf of a student who has elected to attend the JMW Arts High School. We do note, however, that the Lincoln School Committee has discretion to authorize such tuition payment if it finds that it would be "convenient or expedient" to make this expenditure. (R.I.G.L.16-2-19)

Forrest L. Avila, Hearing Officer

APPROVED:

Deborah A. Gist, Commissioner

February 9, 2011

Date